

**MINUTES OF THE BOARD OF DIRECTORS**

*Date:* Thursday, September 5, 2019  
*Time:* 1:00 P.M.  
*Location:* Kern County Water Agency, 3200 Rio Mirada Dr., Bakersfield, CA 93308  
661-589-6045

**DIRECTORS AND ALTERNATES PRESENT**

Eric Averett and Roy Pierucci, Rosedale-Rio Bravo WSD  
Dennis Johnston, Arvin-Edison WSD  
Charlie Riddle, Henry Miller WD  
Don Collins, Pete Kaiser and Mark Mulkay, Kern Delta WD  
Bruce Kelsey and Skye Grass, Kern-Tulare WD  
Dick Diamond, North Kern WSD  
Ben Wilson & Dana Munn, Shafter-Wasco ID  
Jason Gianquinto and Dan Waterhouse, Semitropic WSD  
Michael Blaine and Robert Kunde, Wheeler Ridge-Maricopa WSD

**DIRECTORS AND ALTERNATES ABSENT**

Jeevan Muhar and David Nixon, Arvin-Edison WSD  
Kimberly Brown, North Kern WSD  
Jeff Siemens and Jim Nickel, Olcese WD  
Dan Bartel, Rosedale-Rio Bravo WSD

**ASSOCIATE MEMBERS PRESENT**

Dave Hampton, Cawelo Water District  
Kris Lawrence, Westside Water Quality Coalition

**ASSOCIATE MEMBERS ABSENT**

Tim Ashlock, Buena Vista Coalition

**OTHERS PRESENT**

Nicole Bell, KRWCA Manager  
Steve Torigiani, General Counsel, Young Wooldridge, LLP  
Ryan Dodd, Provost & Pritchard  
Sarah Rutherford, Provost & Pritchard  
Morgan Campbell, Provost & Pritchard  
Christine Gutierrez, GEI Consultants  
Steve Teglia, Kern Delta WD  
Molly Sasso, FMS  
George Cappello, Grimmway

**1. CALL TO ORDER**

Chairman Eric Averett called the meeting to order at 1:00 P.M.

**2. ANNOUNCEMENT OF QUORUM**

Chairman Averett announced a quorum.



### 3. INTRODUCTIONS

None.

### 4. PUBLIC COMMENT

None.

### 5. APPROVAL OF 8/1/2019 Board Meeting Minutes\*

Director Michael Blaine moved to approve the regular Board Meeting Minutes of August 1, 2019. Upon a second by Director Ben Wilson, a vote was taken with no abstentions and was unanimously carried.

### 6. TREASURERS REPORT

#### a. 2019 Accounts Payable/Receivable Ratification and Approval\*

Treasurer Robert Kunde reviewed his September 5, 2019 memorandum to the Board entitled "Treasurer's Report" including the Accounts Payable and Financial Report for both accounts, with the Authority Board. A motion was made by Director Jason Gianquinto to (a) authorize payment of the Open Accounts Payable in the amount of \$112,195.00, (b) ratify payment of the amounts shown in the "Accounts Payable – Paid from Wells Fargo Account" dated August 2019, in the amount of \$15,874.41. Upon a second by Director Michael Blaine, a vote was taken with no abstentions and was unanimously carried.

#### b. Budget Committee Report/Recommendation:

Treasurer Robert Kunde reviewed the Budget Committee Memo and 2020 Budget Documents with the Authority Board. A motion was made by Director Ben Wilson to approve the 2020 Budget, ILRP Fee Schedule and Financial Policies as presented. Upon a second by Director Dennis Johnston, a vote was taken with no abstentions and was unanimously carried.

##### i. 2020 Budget\*

##### ii. 2020 ILRP Fee Schedule\*

##### iii. 2020 Financial Policies\*

##### iv. Recruitment of new Treasurer: The Board was reminded that Treasurer Kunde will complete his service in December and were encouraged to consider taking on the position. A replacement will be selected prior to the end of the year.

### 7. CONTRACTING UPDATE

#### a. Provost & Pritchard Consulting Group Professional Services Agreement (PSA)\*

Manager Bell informed the Board that the PSA has been reviewed by General Counsel and is now being finalized by P&P. It will be presented in October for approval.

### 8. KRWCA MANAGER REPORT/ILRP PROGRAM UPDATE

#### a. Administration

##### i. EDD California State Disability\*:

Manager Bell informed the Board that the EDD had provided our DE2088 with a 0.00% SDI rate. Research with EDD resulted in Manager Bell being told that public entities are not required to provide SDI and that a special election under Section 7 of the CUIIC for State Disability Insurance will need to be made in order for SDI to be provided to KRWCA employees. The Board agreed that it is and has always been the intent of KRWCA to provide SDI for employees. Manager Bell explained the process for filing a *DE 1378M, Application for Elective Coverage of State Disability Insurance*,



*Local Public Entities and Tribes.* A motion was made by Director Dennis Johnston for KRWCA to apply for SDI Elective Coverage under Section 7 of the CUIC. Manager Bell was directed to complete the application and necessary process to apply for SDI Benefits. Upon second by Director Jason Gianquinto a vote was taken with no abstentions and was unanimously carried.

ii. Employee Handbook\*

Manager Bell informed the Board that the employee handbook is under review by Counsel and will be presented for approval at the October 3, 2019 Board Meeting. The Board was encouraged to review the draft handbook and to provide comments.

iii. Membership Coordinator Recruitment:

Manager Bell informed the Board that she had advertised and was in the process of reviewing applicants for the Membership Coordinator position.

b. State Water Board

i. Ag Land Fees Proposal Update:

The Board was reminded that it is expected that the fees will increase by 11.7%.

The State Water Board will determine 2020 Fees at the September 18, SWB Hearing.

**9. REPORT OF PROVOST & PRITCHARD CONSULTING GROUP**

Manager Bell, Sarah Rutherford, Morgan Campbell and Ryan Dodd reported on the following:

a. Surface Water Monitoring:

i. Conditional Approval of the SW Monitoring Plan received by the CVRWQCB, Update  
Sarah Rutherford reported that the Regional Board requested information regarding monitoring the Upper Kern River Watershed. Staff is currently reviewing information regarding the potential threat to water quality as well as watershed characteristics. An extension request was submitted on August 20, 2019 to allow additional time to meet with Regional Board staff and complete relevant technical work.

ii. Surface Water Sampling Update:

The Moore Twining field crews began sample collection at all five sites in August.

iii. Pesticide Evaluation Protocol (PEP) Update\*

Sarah Rutherford reported the following: The PEP is submitted annually and includes an evaluation of the most recent 3 years of DPR pesticide use data. The 2019 proposal has been completed for all sites in the conditionally approved monitoring plan. The 2019 proposal will be implemented from October 2019 through September 2020. Staff is seeking approval of the PEP as amended to exclude pesticides permitted for indoor use. A motion was made by Director Michael Blaine to approve the PEP as amended for submittal to the Regional Board. Upon a second by Director Jason Gianquinto a vote was taken with no abstentions and was unanimously carried.

b. GW Trend Monitoring (GTM) Update:

i. Status Update of Spring/Summer (May-August) Sampling of GW Monitoring Well Network: Morgan Campbell reported that the 2019 Sampling was completed in July and August.

ii. Demand Charge Reimbursement Policy/Process\*:

Manager Bell presented the GTM Reimbursement Protocol to the Board for approval. A motion was made by Director Dennis Johnston to approve the GTM Reimbursement Protocol. Upon a second by Director Jason Gianquinto a vote was taken with no abstentions and was unanimously carried.



- c. Proximity to Surface Waters Update:  
Manager Bell reported the following:
  - i. Members who need an SECP have been notified/reminded by letter.
  - ii. SECP Self-Certification Training will be held September 26, Kern Ag Pavilion, RSVP is Required.
- d. Annual Monitoring Report: Submitted to the CVRWQCB September 3, 2019
  - i. Groundwater Trend Monitoring results tables were corrected and updated in the final version.
- e. CGQMP Annual Report: Submitted to the CVRWQCB September 3, 2019
- f. MPEP Update, Ryan Dodd
  - i. SWAT Modeling
    - 1. Modeling is complete. Currently analyzing and simplifying data. Developing web-based Management Practices Performance Assessment tool using the model results that will allow growers to evaluate the relative changes in performance of different management practices.
    - 2. Working to write-up and package SWAT modeling inputs. Should be available in the next month or so.
  - ii. Funding
    - 1. Current 3-year \$2M CIG grant concludes 9/30/2019. Work has mostly stopped as the project concludes, and final write-ups are being prepared. We met and exceeded all match requirements. Needed \$2M, generated over \$5M. Spent \$2M grant.
    - 2. Submitted two new CIG proposals:
      - a. On-Farm (\$5M): Grower incentives, training, basic field monitoring on select sites. Submitted 7/15/2019. Awards anticipated in October; project start in December.
      - b. Classic (\$2M): Focused on developing target A and R ranges for 25 crops, develop site-specific grower tools, outreach, demonstrate N leaching performance with SWAT. Submitted 7/30/2019. Awards anticipated in November; project start in January.
    - 3. CDFA Specialty Crop Block Grant – pending notification (\$450k).
      - a. Project Title: Increasing grower use of statewide actual evapotranspiration and soils data to improve irrigation uniformity and efficiency
      - b. Cooperating with Almond Board and Isaya Kisekka at UCD
    - 4. Supporting other grants through collaborators. May pursue other grants
  - iii. MPEP Annual Report: Project-to-date annual report is available. It is included in KRWCA's CGQMP Annual Status Report for review.
  - iv. Collaboration with Northern MPEP
    - 1. Continuing. Will share SWAT modeling results soon, which is the basis of the coordination agreements. Representatives attend each other's committee meetings.
    - 2. Starting to have more frequent recurring meetings with all Central Valley Water Quality Coalitions to better coordinate on all items.
    - 3. North/South Coordination agreement expires soon, so the SSJV MPEP Committee is starting to consider options moving forward.
    - 4. Central Valley Water Quality Coalitions meeting September 18, 2019 in
    - 5. Stockton to discuss current topics.



v. Development of Acceptable A/R and A-R Ranges

1. The new General Order requires the MPEP to develop “acceptable ranges” for multi-year A/R ratios by crop as a top priority. This is significant and could become an important regulatory metric. Coalitions are starting to brainstorm how to achieve this objective in the best possible way. The first meeting focused on this topic will be on October 4, 2019.

10. **CV-SALTS** <http://www.cvsalinity.org>

Manager Bell and Land IQ represent KRWCA at the Monthly CV-SALTS Meetings. Links to the monthly Meeting Package and Summary Report as well as information related to the State Water Board Public Workshop are also provided on our website.

- a. [CV-SALTS Meeting Package, August 15, 2019](#)
- b. [Land IQ Summary Report for August 15, 2019 Meeting](#)
- c. [CV-SALTS Brochure](#)
- d. [CV-SALTS Brochure: New Water Quality Regulations Provide Options for Flexibility](#)
- e. [Prioritization and Optimization Study \(P&O\) Overview](#)

11. **OLD OR NEW BUSINESS**

- a. AB1755 Pilot Project Update: Director Averett informed the Board that it was determined that Rosedale-Rio Bravo and Kern Groundwater Authority will provide funding for this Pilot effort.

12. **ATTORNEYS REPORT**

Counsel, Steve Torigiani provided an update on the Drinking Water Bills, AB200 and AB217. SB1 was also discussed.

13. **CLOSED SESSION**

The Authority went into closed session at 2:45 P.M. to discuss the items listed below, and upon the conclusion of closed Session 2:58 P.M. the Chairman reconvened to open session to announce that no reportable action was taken.

- a. Conference with Legal Counsel - Pending Litigation - Government Code Section 54956.9(d)(1)
  - i. Petitions filed by the Kern River Watershed Coalition Authority, et al. with the State Water Resources Control Board (SWRCB) regarding the Tulare Lake Basin General Order.
  - ii. Environmental Law Foundation v. SWRCB, et al., Sac. County Sup. Ct., Case No. Case No. 34-2018-80002851
  - iii. Protectores Del Aqua Subterranea v. SWRCB, et al., Sac. County Sup. Ct., Case No. 34-2018-80002852
  - iv. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sac. County Sup. Ct., Case No. 34-2018-80002853
  - v. Petition for Review by Protectores Del Aqua Subterranea with the SWRCB in Re CVRWQCB Order R5-2019-001 Amending General Orders for Grower Members of a Third-Party Group: Tulare Lake Basin Area R5-2013-0120-06, etc.
- b. Conference with Legal Counsel – Anticipated Litigation/Significant exposure to litigation – Government Code Section 54956.9(d)(2). One potential case.
- c. Public Employment - Government Code Section 54957:
  - i. Positions: Manager and Membership Coordinator



**14. KRWCA MEETING ATTENDANCE HIGHLIGHTS – INFORMATION ITEM**

- a. 8/5, Meeting with KCFB Manager
- b. 8/6, CVGMC Conference Call
- c. 8/7, SSJWQC/MPEP Meeting
- d. 8/13, PEOC Call
- e. 8/19, Budget Committee Conference Call
- f. 8/29, CVSC Call8/30, Budget Committee Meeting
- g. 9/4, SSJWQC/MPEP Meeting

**15. NEXT MEETING**

October 3, 2019 at 1:00 P.M., Kern County Water Agency.

**16. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned at 2:58 P.M.

“\*” Notates and action item (Approval/Ratification)